IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 23571 of 2004

Between:

Rajani Theatre, Palakol West Godavari District, rep by Manager, MRP Sarma S/o Seshaiah

..... PETITIONER

AND

Joint Collector, West Godavari District at Eluru

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondent in not making endorsement in B from licence of the petitioner theatre for enhancement of admission rates as per the application dated 13-12-2004 as illegal, arbitrary and consequently direct the respondent to pass orders and pass such other or further orders.

Counsel for the Petitioner: MRS.PULIPATI RADHIKA

Counsel for the Respondent: GP FOR HOME

The Court made the following:

O R D E R:

The petitioner is a cinema theatre. It submitted an application dated 13.12.2004 to the respondent, seeking permission to revise the existing rates of tickets for all the three classes, for a period of two weeks, during exhibition of the film entitled "Vijayendravarma". Alleging that no orders have been passed so far, petitioner seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

Through the application dated 13.12.2004, the petitioner intended to double the existing rates of tickets to be in force for a period of two weeks. The matter of fixation of maximum rates of payment for admission into different classes of theatre is provided for under Rule 11-B (3) of A.P. Cinema (Regulations) Rules, 1970. According to the same, the rates are to be fixed by the licensing authority, and once fixed, such rates would be in force till the expiry of such licence. There is also a provision, which enables the licensing authority to revise the rates through an order in writing. The rule is not clear as to whether such revision of rates is for the remaining part of the licence period, or for any spells, as may be desired by the owner of the theatre. Further, the question as to whether the proposed enhancement is in public interest or desirable, needs to be considered by the licensing authority. The High Court cannot undertake such an exercise. Having regard to the fact that the enhancement is sought for a limited period with reference to a particular film, the respondent is under obligation to pass appropriate orders without further delay.

Hence, the writ petition is disposed of, directing the respondent to pass appropriate orders on the application dated 13.12.2004 submitted by the petitioner, without any further delay, duly taking into account, the relevant provisions of law. There shall be

no order as to costs.

20.12.2004

Jsu

To

1. Joint Collector, West Godavari District at Eluru

2. 2 CCs to the G.P. for Home, High Court of A.P., Hyderabad, (OUT).

3. 2 CD copies.